

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EDD TAWON PAYNE, United States Citizen;

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

4:23CV3237

ORDER

On December 11, 2023, the Court entered a Memorandum and Order directing Petitioner to submit the \$5.00 fee to the Clerk's office or submit a request to proceed in forma pauperis and to file an amended petition for writ of habeas corpus by January 10, 2024. [Filing No. 5](#). The Court's Memorandum and Order was returned as undeliverable, and the Court directed Petitioner to update his address with the Court by January 29, 2024. [Filing No. 8](#). Petitioner responded to the Court's order on January 11, 2024, giving notice of his change of address and indicating that he never received the Court's December 11, 2023, Memorandum and Order. [Filing No. 11](#). The Clerk's office re-mailed the December 11, 2023, Memorandum and Order to Petitioner on January 11, 2024, along with a Form AO 240 Application to Proceed with Prepayment of Fees and Affidavit and the Form AO 242 Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241. In his January 11, 2024, response, Petitioner also asks the Court to "mail [him] a Bivens action and motion to proceed in forma pauperis." [Filing No. 11](#).

Because of the delay in Petitioner's receipt of the Court's December 11, 2023, Memorandum and Order,

IT IS THEREFORE ORDERED that:

1. The deadline for Petitioner to (1) submit the \$5.00 fee to the Clerk's office or submit a request to proceed in forma pauperis and (2) file an amended habeas petition in accordance with the Court's December 11, 2023, Memorandum and Order is extended to **February 15, 2024**.
2. Failure to take any action by February 15, 2024, in accordance with the Court's December 11, 2023, Memorandum and Order will result in dismissal of this matter without further notice.
3. The Clerk of the Court is directed to send to Petitioner a Form Pro Se 14 Complaint for Violation of Civil Rights (Prisoner) and a Form AO 240 Application to Proceed with Prepayment of Fees and Affidavit.
4. The Clerk of the Court is directed to set a pro se case management deadline using the following text: **February 15, 2024**: Check for MIFP or payment and amended petition.

Dated this 16th day of January, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "JF Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge